

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DIONNE LAMONT GATLING,)	
)	
Petitioner,)	
)	
v.)	No. 4:24-cv-348 RWS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

Now before the Court, in this closed § 2255 habeas case, is Petitioner’s motion for issuance of a certificate of appealability. ECF No. 4. When dismissing this case, the Court found that Petitioner had not met the burden for the issuance of a certificate of appealability. ECF No. 2 at 3-4. As discussed in that dismissal, an attorney for Petitioner already applied to the Eighth Circuit Court of Appeals for permission to file a successive § 2255 motion on the grounds that Petitioner asserts here in support of a certificate of appealability – relief under the Supreme Court’s decision in *Lora v. United States*, 599 U.S. 453 (2023). *See Gatling v. United States*, No. 23-3611 (8th Cir. Jan. 9, 2024). The Eighth Circuit denied Plaintiff’s motion for authorization to file a successive habeas application. As such, this Court finds no “substantial showing” of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2); *Tiedeman v. Benson*, 122 F.3d 518, 521-22 (8th Cir. 1997). The Court is unpersuaded by the arguments in Petitioner’s motion. Therefore, Petitioner’s motion for a certificate of appealability will be denied.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for issuance of a certificate of appealability [ECF No. 4] is **DENIED**.

Dated this 25th day of June, 2024.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE